

WYC:AMC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M-09-758**

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UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR ARREST WARRANT

- against -

EARL MORGAN,

18 U.S.C. § 922(g)(1)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

RAY MARTINEZ, being duly sworn, deposes and says that he is a detective for the New York Police Department ("NYPD"), Gun Enhancement Unit ("GEU"), duly appointed according to law and acting as such.

Upon information and belief, on or about July 25, 2009, within the Eastern District of New York, the defendant EARL MORGAN, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit, a Bersa .380 pistol and ammunition.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows<sup>1</sup>:

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<sup>1/</sup> Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set

1. My information in this case comes from reviews of records of the NYPD and other Government agencies, and conversations with NYPD officers.

2. On July 25, 2009, at approximately 12:46 a.m., NYPD Police Officers were on routine patrol in the vicinity of the 84th and 88th Police Precincts of Brooklyn, New York, in plain clothes and an unmarked car.

3. The officers were stopped at a red light at the intersection of Navy Street and Park Avenue, facing southbound on Navy street, when the officers observed the defendant EARL MORGAN appear to be urinating in public near the southeast corner of the intersection. When MORGAN finished urinating defendant walked westbound, crossed Navy Street to the southwest corner of the intersection, and then headed southbound on Navy Street. The officers proceeded southbound on Navy Street through the intersection in their vehicle. One of the officers exited the vehicle from the passenger side of the police vehicle, approached MORGAN from behind and identified himself as police. MORGAN partially turned around and placed his right hand in the vicinity of his right front pants pocket with an expression of surprise. The same officer asked MORGAN to show his hands. MORGAN lifted his left hand, in which he was holding a white plastic shopping

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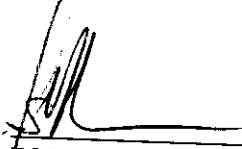
forth every fact learned during the course of this investigation.

bag, and kept his right hand near his right front pants pocket. The same officer observed a bulge in the area of MORGAN's right front pants pocket. The same officer ordered MORGAN to drop the bag and place his hands on a nearby metal fence. After initially complying with the officer's order, MORGAN repeatedly removed his right hand from the metal fence and pushed the right side of his body against the metal fence. The same officer conducted an exterior pat-down of MORGAN's body for weapons and felt what the officer believed to be a handgun in MORGAN's front right pants pocket. MORGAN was then handcuffed and the same officer recovered a loaded Bersa .380 caliber pistol from MORGAN's right front pants pocket.

4. I am informed by an ATF interstate nexus expert that all Bersa .380 caliber pistols are manufactured outside the State of New York.

5. I have reviewed the defendant EARL MORGAN's criminal history records and have determined that he has been convicted of the following felony: on April 26, 2005, in a New York State court, Kings County Court, the crime of Criminal Possession of a Controlled Substance in the Third Degree, which is a crime punishable by a term of imprisonment of more than one year.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant EARL MORGAN so that he may be dealt with according to law.

  
RAY MARTINEZ  
Detective  
New York City Police Department

Sworn to before me this  
29th day of April 2009

THE HONORABLE ROBERT M. LEVY  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK